IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 16309 of 2004

Between:

Buddiga Satyanarayana, S/o.Late Kondalu,
R/o.Pragadapalli, W.G.Dist.

..... PETITIONER

AND

1 Agent to the Govt., (Dist.Collector) W.G.Dist. Eluru.
2 Special Deputy Collector, (Tribal Welfare)K.R.Puram.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the 1st respondent in not passing order on the stay application in the appeal filed by the petitioner against order dated 10-03-2004 passed by the 2nd respondent in S.R.No.22 of 2003 under the provisions of A.P.Scheduled Area Land Transfer regulation 1 of 1959 as amended by regulation of 1 of 1970 as illegal, arbitrary and unjust by issuing appropriate writ of mandamus or order or direction as otherwise the petitioner will suffer irreparable loss and injury.

Counsel for the Petitioner:MR.M.V.S.SURESH KUMAR

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following ORDER:

Against an ejectment order passed by the second respondent-Special Deputy Collector (Tribal Welfare), K.R.Puram, in S.R.No.22 of 2003, dated 10-03-2004, petitioner filed an appeal before the first respondent-Agent to the Government (District Collector), West Godavari District, Eluru, on 26-08-2004 along with an application to grant stay of execution of the order dated
10-03-2004. The first respondent, who entertained an appeal, so far has not passed any order on the stay application. Hence, the petitioner filed the present writ petition complaining the inaction on the part of the first respondent to pass appropriate orders to safeguard the rights of the parties, pending the appeal.

Having regard to the said fact, the writ petition is disposed of directing the second respondent not to dispossess the petitioner pursuant to the ejectment order under appeal until the appeal is disposed of. No costs.

13th SEPTEMBER, 2004.

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To

1 The Agent to the Government, (Dist.Collector) W.G.Dist. Eluru.
2 The Special Deputy Collector, (Tribal Welfare)K.R.Puram.

3 Two CCs to the Government Pleader for Social Welfare, A.P.High Court Buildings, Hyderabad (OUT)

4 Two CD copies.